

U.S. Patent Application Serial No. 10/826,501  
Response filed October 14, 2009  
Reply to OA dated July 15, 2009

**REMARKS**

Claims 1-16 are currently pending in the subject application. Claims 1, 5, 6, 9, 10, and 12-16 have been amended herein in order to more particularly point out and distinctly claim subject matter. The Applicants respectfully submit that no new matter has been added. It is believed that this paper is fully responsive to the Office Action dated July 15, 2009.

The Examiner has indicated that claim 2 is allowed.

1. The Examiner has rejected claims 1 and 3-16 under the first paragraph of 35 U.S.C. §112.

Claims 1, 6, 10, and 12-16 have been amended herein in a manner intended to overcome this rejection.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claims 1 and 3-16 should be withdrawn.

2. The Examiner has rejected claims 1, 3, 4, 6-8, 10 and 12-16 under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 6,549,729 (Robins '729) in view of U.S. Patent No. 5,249,058 (Murata '058) and Japanese Patent Publication No. 07-056227 (Hamada '227).

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Applicants respectfully traverse this rejection, for the following reasons.

There are substantial, important differences between the art relied upon by the Examiner and the combinations of features as set forth in the claims of the subject application.

Claim 2 sets forth a combination of features including at least the following features: “wherein said controller compares between a time required for bringing into focus in said focusing mechanism and a time from starting of the focusing action until starting of said shutter operation, and changes said optical system to said auto-focusing position or said fixed focus position based on a result of the comparison,” in combination with the other claimed features. The Examiner has indicated that claim 2 is allowed.

Claim 1, as amended, sets forth a combination of features including at least the following features: “wherein said controller compares between a time required for bringing into focus in said focusing mechanism and a time from starting of the focusing action until starting of said shutter operation, and changes said optical system to said auto-focusing position or said fixed focus position based on a result of the comparison,” in combination with the other claimed features.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 1 should be withdrawn. Claims 3 and 4 depend from claim 1. It is submitted that this rejection of

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claims 3 and 4 should be withdrawn by virtue of their dependency.

Claim 6, as amended, sets forth a combination of features including at least the following features: “wherein said controller compares between a time required for bringing into focus in said focusing mechanism and a time from starting of the focusing action until starting of said shutter operation, and changes said optical system to said auto-focusing position or said fixed focus position based on a result of the comparison,” in combination with the other claimed features.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 6 should be withdrawn. Claims 7 and 8 depend from claim 6. It is submitted that this rejection of claims 7 and 8 should be withdrawn by virtue of their dependency.

Claim 10, as amended, sets forth a combination of features including at least the following features: “a process that compares between a time required for bringing into focus in said focusing mechanism and a time from starting of the focusing action until starting of said shutter operation, and changes said optical system to said auto-focusing position or said fixed focus position based on a result of the comparison,” in combination with the other claimed features.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 10 should be withdrawn.

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Claim 12, as amended, sets forth a combination of features including at least the following features: “a process that compares between a time required for bringing into focus in said focusing mechanism and a time from starting of the focusing action until starting of said shutter operation, and changes said optical system to said auto-focusing position or said fixed focus position based on a result of the comparison,” in combination with the other claimed features.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 12 should be withdrawn.

Claim 13, as amended, sets forth a combination of features including at least the following features: “comparing between a time required for bringing into focus in said focusing mechanism and a time from starting of the focusing action until starting of said shutter operation, and changing said optical system to said auto-focusing position or said fixed focus position based on a result of the comparison,” in combination with the other claimed features.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 13 should be withdrawn.

Claim 14, as amended, sets forth a combination of features including at least the following features: “comparing between a time required for bringing into focus in said focusing mechanism

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and a time from starting of the focusing action until starting of said shutter operation, and changing said optical system to said auto-focusing position or said fixed focus position based on a result of the comparison,” in combination with the other claimed features.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 14 should be withdrawn.

Claim 15, as amended, sets forth a combination of features including at least the following features: “wherein said control part compares between a time required for bringing into focus in said focusing mechanism and a time from starting of the focusing action until starting of said shutter operation, and changes said optical system to said auto-focusing position or said fixed focus position based on a result of the comparison,” in combination with the other claimed features.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 15 should be withdrawn.

Claim 16, as amended, sets forth a combination of features including at least the following features: “wherein said control part compares between a time required for bringing into focus in said focusing mechanism and a time from starting of the focusing action until starting of said shutter operation, and changes said optical system to said auto-focusing position or said fixed focus position

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based on a result of the comparison,” in combination with the other claimed features.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 16 should be withdrawn.

3. The Examiner has rejected claims 5 and 9 under 35 U.S.C. §103 as unpatentable over **Robins ‘729, Murata ‘058, Hamada ‘227, and U.S. Patent No. 7,119,843 (Terasaki ‘843).**

Applicants respectfully traverse this rejection, for the following reasons.

There are substantial, important differences between the art relied upon by the Examiner and the combinations of features as set forth in the claims of the subject application.

Claim 2 sets forth a combination of features including at least the following features: “wherein said controller compares between a time required for bringing into focus in said focusing mechanism and a time from starting of the focusing action until starting of said shutter operation, and changes said optical system to said auto-focusing position or said fixed focus position based on a result of the comparison,” in combination with the other claimed features. The Examiner has indicated that claim 2 is allowed.

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Claim 1, as amended, sets forth a combination of features including at least the following features: “wherein said controller compares between a time required for bringing into focus in said focusing mechanism and a time from starting of the focusing action until starting of said shutter operation, and changes said optical system to said auto-focusing position or said fixed focus position based on a result of the comparison,” in combination with the other claimed features.

Claim 5 depends from claim 1. Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 5 should be withdrawn by virtue of its dependency.

Claim 6, as amended, sets forth a combination of features including at least the following features: “wherein said controller compares between a time required for bringing into focus in said focusing mechanism and a time from starting of the focusing action until starting of said shutter operation, and changes said optical system to said auto-focusing position or said fixed focus position based on a result of the comparison,” in combination with the other claimed features.

Claim 9 depends from claim 6. Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 9 should be withdrawn by virtue of its dependency.

4. The Examiner has rejected claim 11 under 35 U.S.C. §103 as unpatentable over **Robins ‘729, Murata ‘058, Hamada ‘227, and U.S. Patent No. 5,001,507 (Iida ‘507).**

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Applicants respectfully traverse this rejection, for the following reasons.

There are substantial, important differences between the art relied upon by the Examiner and the combinations of features as set forth in the claims of the subject application.

Claim 2 sets forth a combination of features including at least the following features: “wherein said controller compares between a time required for bringing into focus in said focusing mechanism and a time from starting of the focusing action until starting of said shutter operation, and changes said optical system to said auto-focusing position or said fixed focus position based on a result of the comparison,” in combination with the other claimed features. The Examiner has indicated that claim 2 is allowed.

Claim 10, as amended, sets forth a combination of features including at least the following features: “a process that compares between a time required for bringing into focus in said focusing mechanism and a time from starting of the focusing action until starting of said shutter operation, and changes said optical system to said auto-focusing position or said fixed focus position based on a result of the comparison,” in combination with the other claimed features.

Claim 11 depends from claim 10. Accordingly, in view of the above, Applicants respectfully



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submit that this rejection of claim 11 should be withdrawn by virtue of its dependency.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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